

bipartisan support. So it's important, I think, the American people realize that Congress can get things done, and these two bills are the best example of it. And so I urge all my colleagues to support this act.

I yield back the balance of my time.  
Mr. RUSH. Mr. Speaker, I yield myself as much time as I may consume for a closing statement.

Mr. Speaker, again, as the gentleman from Florida has indicated, this is a bipartisan bill. It is the result of a very intense and cooperative process. It was voted out of the full committee by a unanimous recorded vote.

Mr. Speaker, I would like to thank both Members and the staffs on both sides of the aisle for their hard work on this important piece of legislation. I want to thank, in particular, Mrs. BONO MACK, Mr. BARTON, Mr. BARROW, Mr. WAXMAN, Mr. RADANOVICH, and others for working in a true bipartisan fashion to move this important piece of legislation and to move it forward.

Mr. Speaker, I urge all my colleagues to vote for this bill and to approve this bill.

I yield back the balance of my time.  
The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Illinois (Mr. RUSH) that the House suspend the rules and pass the bill, H.R. 1319, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

The title was amended so as to read: "A bill to prevent the inadvertent disclosure of information on a computer through certain 'peer-to-peer' file sharing programs without first providing notice and obtaining consent from an owner or authorized user of the computer."

A motion to reconsider was laid on the table.

## FISCAL YEAR 2010 FEDERAL AVIATION ADMINISTRATION EXTENSION ACT, PART II

Mr. LEWIS of Georgia. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4217) to amend the Internal Revenue Code of 1986 to extend the funding and expenditure authority of the Airport and Airway Trust Fund, to amend title 49, United States Code, to extend authorizations for the airport improvement program, and for other purposes.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 4217

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

### SECTION 1. SHORT TITLE.

This Act may be cited as the "Fiscal Year 2010 Federal Aviation Administration Extension Act, Part II".

### SEC. 2. EXTENSION OF TAXES FUNDING AIRPORT AND AIRWAY TRUST FUND.

(a) FUEL TAXES.—Subparagraph (B) of section 4081(d)(2) of the Internal Revenue Code

of 1986 is amended by striking "December 31, 2009" and inserting "March 31, 2010".

(b) TICKET TAXES.—

(1) PERSONS.—Clause (ii) of section 4261(j)(1)(A) of the Internal Revenue Code of 1986 is amended by striking "December 31, 2009" and inserting "March 31, 2010".

(2) PROPERTY.—Clause (ii) of section 4271(d)(1)(A) of such Code is amended by striking "December 31, 2009" and inserting "March 31, 2010".

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on January 1, 2010.

### SEC. 3. EXTENSION OF AIRPORT AND AIRWAY TRUST FUND EXPENDITURE AUTHORITY.

(a) IN GENERAL.—Paragraph (1) of section 9502(d) of the Internal Revenue Code of 1986 is amended—

(1) by striking "January 1, 2010" and inserting "April 1, 2010"; and

(2) by inserting "or the Fiscal Year 2010 Federal Aviation Administration Extension Act, Part II" before the semicolon at the end of subparagraph (A).

(b) CONFORMING AMENDMENT.—Paragraph (2) of section 9502(e) of such Code is amended by striking "January 1, 2010" and inserting "April 1, 2010".

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on January 1, 2010.

### SEC. 4. EXTENSION OF AIRPORT IMPROVEMENT PROGRAM.

(a) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—Section 48103(7) of title 49, United States Code, is amended to read as follows:

"(7) \$2,000,000,000 for the 6-month period beginning on October 1, 2009."

(2) OBLIGATION OF AMOUNTS.—Sums made available pursuant to the amendment made by paragraph (1) may be obligated at any time through September 30, 2010, and shall remain available until expended.

(3) PROGRAM IMPLEMENTATION.—For purposes of calculating funding apportionments and meeting other requirements under sections 47114, 47115, 47116, and 47117 of title 49, United States Code, for the 6-month period beginning on October 1, 2009, the Administrator of the Federal Aviation Administration shall—

(A) first calculate funding apportionments on an annualized basis as if the total amount available under section 48103 of such title for fiscal year 2010 were \$4,000,000,000; and

(B) then reduce by 50 percent—

(i) all funding apportionments calculated under subparagraph (A); and

(ii) amounts available pursuant to sections 47117(b) and 47117(f)(2) of such title.

(b) PROJECT GRANT AUTHORITY.—Section 47104(c) of such title is amended by striking "December 31, 2009," and inserting "March 31, 2010,".

### SEC. 5. EXTENSION OF EXPIRING AUTHORITIES.

(a) Section 40117(1)(7) of title 49, United States Code, is amended by striking "January 1, 2010," and inserting "April 1, 2010,".

(b) Section 44302(f)(1) of such title is amended—

(1) by striking "December 31, 2009," and inserting "March 31, 2010,"; and

(2) by striking "March 31, 2010," and inserting "June 30, 2010,".

(c) Section 44303(b) of such title is amended by striking "March 31, 2010," and inserting "June 30, 2010,".

(d) Section 47107(s)(3) of such title is amended by striking "January 1, 2010," and inserting "April 1, 2010,".

(e) Section 47115(j) of such title is amended by striking "January 1, 2010," and inserting "April 1, 2010,".

(f) Section 47141(f) of such title is amended by striking "December 31, 2009," and inserting "March 31, 2010,".

(g) Section 49108 of such title is amended by striking "December 31, 2009," and inserting "March 31, 2010,".

(h) Section 161 of the Vision 100—Century of Aviation Reauthorization Act (49 U.S.C. 47109 note) is amended by striking "January 1, 2010," and inserting "April 1, 2010,".

(i) Section 186(d) of such Act (117 Stat. 2518) is amended by striking "January 1, 2010," and inserting "April 1, 2010,".

(j) The amendments made by this section shall take effect on January 1, 2010.

### SEC. 6. FEDERAL AVIATION ADMINISTRATION OPERATIONS.

Section 106(k)(1)(F) of title 49, United States Code, is amended to read as follows:

"(F) \$4,676,574,750 for the 6-month period beginning on October 1, 2009."

### SEC. 7. AIR NAVIGATION FACILITIES AND EQUIPMENT.

Section 48101(a)(6) of title 49, United States Code, is amended to read as follows:

"(6) \$1,466,888,500 for the 6-month period beginning on October 1, 2009."

### SEC. 8. RESEARCH, ENGINEERING, AND DEVELOPMENT.

Section 48102(a)(14) of title 49, United States Code, is amended to read as follows:

"(14) \$92,500,000 for the 6-month period beginning on October 1, 2009."

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Georgia (Mr. LEWIS) and the gentleman from Ohio (Mr. TIBERI) each will control 20 minutes.

The Chair recognizes the gentleman from Georgia.

#### GENERAL LEAVE

Mr. LEWIS of Georgia. Mr. Speaker, I ask unanimous consent to give Members 5 legislative days to revise and extend their remarks on H.R. 4217.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Georgia?

There was no objection.

Mr. LEWIS of Georgia. Mr. Speaker, I yield myself as much time as I may consume.

H.R. 4217, the Fiscal Year 2010 FAA Extension Act, Part II, extends the financing and spending authority for the Airport and Airway Trust Fund. The trust fund taxes and spending authority are scheduled to expire on December 31, 2009, a few days from now. This bill simply extends these taxes for 3 months.

Earlier this year, the House passed legislation allowing the trust fund to operate through 2012. Unfortunately, the Senate has not considered this important legislation. Today's bill simply keeps the Airport and Airway Trust Fund taxes and operations in place until a long-term measure can be signed into law.

Air travel plays a critical role in our economy and in our lives. The world's busiest passenger airport, Hartsfield-Jackson Atlanta International Airport, is located in my congressional district. This airport alone has a direct impact of \$24 billion on our economy. Failure to act will prevent the FAA from spending funds that are already in the trust fund. As a result, important airport construction projects around the country would shut down.

This bill also extends a number of authorizing provisions that are under the

jurisdiction of the Transportation and Infrastructure Committee, led by my good and close friend, Chairman OBERSTAR. All of those provisions were passed by this body in a similar bill that extended these expiring tax provisions. If we fail to act on this bill, Mr. Speaker, I will repeat, if we fail to act on this bill, the trust fund will lose the revenue that we need for airport construction and the air traffic control system.

I hope all of my colleagues will join me in supporting this good and necessary bill.

I reserve the balance of my time, Mr. Speaker.

Mr. TIBERI. Mr. Speaker, I yield myself as much time as I may consume.

(Mr. TIBERI asked and was given permission to revise and extend his remarks.)

Mr. TIBERI. Mr. Speaker, I rise in support of H.R. 4217.

Mr. Speaker, this is a straightforward bill, one that will provide a 3-month extension of various excise taxes that support the Airport and Airway Trust Fund, as well as the trust fund's expenditure authorities. These taxes and authorities are currently scheduled to expire at the end of the month, and today's legislation will permit this Congress the time it needs to consider a longer-term FAA reauthorization bill.

As the ranking member of the Select Revenue Subcommittee within the Ways and Means Committee, I'm pleased that Chairman RANGEL held a hearing earlier this year to examine tax issues related to the Airport and Airway Trust Fund. I certainly look forward to working with Chairman RANGEL, Chairman LEWIS, and all the members of our committee over the months ahead as we determine whether modifications to the financing structure of the Airport and Airway Trust Fund are warranted going forward. Ways and Means is clearly the appropriate committee of jurisdiction regarding these tax issues, and I anticipate working with other Ways and Means members of both parties to ensure that our committee continues to shape FAA reauthorization as it proceeds forward.

I would note for my colleagues that under the Congressional Budget Office baseline, expiring excise taxes that are dedicated to a trust fund are assumed to be extended at current rates for budgeting purposes. Consequently, the Joint Committee on Taxation is expected to score H.R. 4217 as having no revenue effect, just as it has with similar short-term extensions of FAA taxes in the past. While many Members on our side of the aisle would argue that the Congressional Budget Office and Joint Tax should make the same assumption about expiring tax relief as well, that is a bigger debate for another day. For now, it's important that we extend the current FAA excise taxes on a temporary basis, and I'm pleased to join with my colleagues on

the other side of the aisle in support of this legislation today.

Mr. Speaker, I reserve the balance of my time.

Mr. LEWIS of Georgia. Mr. Speaker, I am pleased to yield 3 minutes to the gentleman from Illinois, the chairman of the Aviation Subcommittee, my good friend, Mr. COSTELLO.

Mr. COSTELLO. Mr. Speaker, I rise in support of H.R. 4217, Fiscal Year 2010 Federal Aviation Administration Extension Act. I want to thank Chairman RANGEL and Ranking Member CAMP as well as Chairman OBERSTAR and Ranking Member MICA and Mr. PETRI for bringing this to the floor today.

The FAA has been operating under a string of short-term extensions for over 2 years, since the last FAA reauthorization bill expired. Short-term extensions and uncertain funding levels can be disruptive to the aviation industry and to communities because they do not allow them to plan for long-term growth. Every month that goes by without a long-term FAA authorization is a lost opportunity to improve aviation safety, security, and to create and maintain jobs around the country.

Mr. Speaker, the House did its job and passed H.R. 915, the FAA Reauthorization Act of 2009, a 3-year authorization of the FAA programs. For several months, we have been waiting on the other body to bring a bill to the floor and to pass it. The Airport and Airways Trust Fund will expire on December 31, 2009, and the bill before us today, H.R. 4217, extends aviation taxes and expenditures authority and the Airport Improvement Program contract authority until March 31, 2010.

H.R. 4217 also provides an additional \$2 billion in AIP contract authority, resulting in an annualized amount of \$4 billion for fiscal year 2010. Four billion dollars for AIP is consistent with the House and Senate reauthorization bills, as well as the fiscal year 2010 concurrent budget resolution. These additional funds will allow airports to continue critical safety and capacity enhancement projects.

Congress must ensure that this extension passes to reduce delays and congestion, improve safety and efficiency, stimulate the economy and create jobs. Mr. Speaker, I urge my colleagues to support this bill.

Mr. TIBERI. Mr. Speaker, I yield 5 minutes to an expert on transportation issues in this Congress, a true leader, the gentleman from Wisconsin (Mr. PETRI).

Mr. PETRI. In the 110th Congress, the House passed the FAA Reauthorization Act of 2007, and that legislation reauthorized FAA for 4 years. In May of this year, the House voted again to pass a comprehensive reauthorization bill, this time H.R. 915, the FAA Reauthorization Act of 2009. Unfortunately, the Senate has been unable to come to an agreement on its bill over the last two Congresses. So, for the past 2 years, Congress has passed extensions of the Federal Aviation Administra-

tion's funding and authority through the end of calendar year 2009. The latest extension expires at the end of this month, so today we're considering another extension.

H.R. 4217 would extend the taxes, programs, and funding of the FAA through March of 2010. This bill extends FAA funding and contract authority for 3 months, provides \$1 billion in airport improvement funding through March 2010, extends the War Risk Insurance program, and extends the Small Community Air Service Development Program. The bill before us, H.R. 4217, will ensure that our national aviation system continues to operate until a full FAA reauthorization can be enacted.

As I've indicated many times since the passage of the House FAA reauthorization bill back in 2007, we need to pass a long-term bill so that we can meet the growing demands placed on our Nation's aviation infrastructure. Modernizing our antiquated air traffic control system and repairing our crumbling infrastructure need to be at the top of our priorities.

While I have some concerns with the House-passed bill, I look forward to addressing these issues in conference to develop bipartisan solutions on some of the more controversial provisions of the act. I urge my colleagues in the other body to complete their work on a comprehensive FAA reauthorization package in a timely fashion. And while I'm disappointed that the FAA has gone so long without a comprehensive reauthorization, I support this extension as the best alternative to keep the FAA and the National Airspace System running safely until we can take up and pass a bipartisan and bicameral bill.

□ 1530

Mr. LEWIS of Georgia. I reserve the balance of my time.

Mr. TIBERI. I will close by asking, again, my colleagues to support the measure. I yield back the balance of my time.

Mr. LEWIS of Georgia. Mr. Speaker, I fully support H.R. 4217. Simply said, Mr. Speaker, we must make sure that the FAA remains funded. I urge my colleagues on both sides of the aisle to vote "yes" on this bill.

Mr. OBERSTAR. Mr. Speaker, I rise in strong support of H.R. 4217, the "Fiscal Year 2010 Federal Aviation Administration Extension Act, Part II".

The previous long-term Federal Aviation Administration (FAA) reauthorization act, the Vision 100—Century of Aviation Reauthorization Act (P.L. 108-176) expired on September 30, 2007. Although the House passed an FAA reauthorization bill last Congress, the Senate did not, resulting in the need for a series of short-term extension acts that, unfortunately, continues to this day.

At the outset of this Congress, the House again passed a long-term FAA reauthorization bill. On May 21, 2009, the House passed H.R. 915, the "FAA Reauthorization Act of 2009", which reauthorizes FAA programs for fiscal years (FY) 2010 through 2012.

However, this legislation is still pending in the Senate, as the other body has been unable to complete action on a long-term FAA reauthorization bill. Given that the current authority for aviation programs expires on December 31, an extension of current law is necessary to continue financing of aviation programs until a multi-year reauthorization bill can be completed. H.R. 4217 provides a three-month extension of aviation programs, through March 31, 2010.

H.R. 4217 provides \$2 billion in contract authority for the Airport Improvement Program (AIP) through the end of March. This \$2 billion will enable airports to move forward with important safety and capacity projects. When annualized, this level of AIP funding equals \$4 billion, which is consistent with both the House and Senate FAA reauthorization bills, and the FY 2010 Concurrent Budget Resolution.

The bill also authorizes appropriations for FAA Operations, Facilities and Equipment (F&E), and Research, Engineering, and Development (RE&D) programs, consistent with average funding levels of the FY 2010 House-approved appropriations bill and the Senate-approved appropriations bill.

In addition, H.R. 4217 extends the aviation excise taxes through March 31, 2010. These taxes are necessary to support the Airport and Airway Trust Fund, which funds a substantial portion of the FAA's budget. With an uncommitted cash balance of just \$251 million at the end of FY 2009, any lapse in the aviation taxes could put the solvency of the Trust Fund at risk.

In addition to extending the aviation taxes, H.R. 4217 extends the FAA's authority to make expenditures from the Airport and Airway Trust Fund through March 2010.

To allow aviation programs to continue under the same terms and conditions as were in effect during the previous authorization period, H.R. 4217 also extends several other provisions of Vision 100.

I thank Chairman RANGEL, Chairman of the Committee on Ways and Means, for introducing this measure, and for his assistance in ensuring the continued operation of aviation programs. I also thank Ways and Means Committee Ranking Member CAMP and my Committee colleagues, Ranking Member MICA, Subcommittee Chairman COSTELLO, and Subcommittee Ranking Member PETRI, for working with me on this critical legislation.

I strongly urge my colleagues to join me in supporting H.R. 4217.

Mr. LEWIS of Georgia. With that, Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Georgia (Mr. LEWIS) that the House suspend the rules and pass the bill, H.R. 4217.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

#### NO SOCIAL SECURITY BENEFITS FOR PRISONERS ACT OF 2009

Mr. TANNER. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4218) to amend titles II and XVI

of the Social Security Act to prohibit retroactive payments to individuals during periods for which such individuals are prisoners, fugitive felons, or probation or parole violators.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 4218

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. SHORT TITLE.

This Act may be cited as the "No Social Security Benefits for Prisoners Act of 2009".

#### SEC. 2. PROHIBITION OF RETROACTIVE TITLE II AND TITLE XVI PAYMENTS TO PRISONERS, FUGITIVE FELONS, AND PROBATION OR PAROLE VIOLATORS.

(a) AMENDMENTS TO TITLE II.—Section 204(a)(1)(B) of the Social Security Act (42 U.S.C. 404(a)(1)(B)) is amended—

(1) by striking "(B) With" and inserting "(B)(i) Subject to clause (ii), with"; and

(2) by adding at the end the following: "(ii) No payment shall be made under this subparagraph to any person during any period for which monthly insurance benefits of such person—

"(I) are subject to nonpayment by reason of section 202(x)(1), or

"(II) in the case of a person whose monthly insurance benefits have terminated for a reason other than death, would be subject to nonpayment by reason of section 202(x)(1) but for the termination of such benefits, until section 202(x)(1) no longer applies, or would no longer apply in the case of benefits that have terminated.

"(iii) Nothing in clause (ii) shall be construed to limit the Commissioner's authority to withhold amounts, make adjustments, or recover amounts due under this title, title VIII or title XVI that would be deducted from a payment that would otherwise be payable to such person but for such clause."

(b) AMENDMENTS TO TITLE XVI.—Section 1631(b) of such Act (42 U.S.C. 1383(b)) is amended by adding at the end the following new paragraph:

"(7)(A) In the case of payment of less than the correct amount of benefits to or on behalf of any individual, no payment shall be made to such individual pursuant to this subsection during any period for which such individual—

"(i) is not an eligible individual or eligible spouse under section 1611(e)(1) because such individual is an inmate of a public institution that is a jail, prison, or other penal institution or correctional facility the purpose of which is to confine individuals as described in clause (ii) or (iii) of section 202(x)(1)(A), or

"(ii) is not an eligible individual or eligible spouse under section 1611(e)(4), until such person is no longer considered an ineligible individual or ineligible spouse under section 1611(e)(1) or 1611(e)(4).

"(B) Nothing in subparagraph (A) shall be construed to limit the Commissioner's authority to withhold amounts, make adjustments, or recover amounts due under this title, title II, or title VIII that would be deducted from a payment that would otherwise be payable to such individual but for such subparagraph."

(c) EFFECTIVE DATE.—The amendments made by this section shall be effective for payments that would otherwise be made on or after the date of the enactment of this Act.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Tennessee (Mr. TANNER) and the gentleman from Texas (Mr. SAM JOHNSON) each will control 20 minutes.

The Chair recognizes the gentleman from Tennessee.

#### GENERAL LEAVE

Mr. TANNER. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks on H.R. 4218.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Tennessee?

There was no objection.

Mr. TANNER. Mr. Speaker, I yield myself such time as I might consume.

Mr. JOHNSON and I bring this bill to the floor today. It's a stopgap measure, Mr. Speaker.

The Social Security Act already prohibits payment of Social Security and SSI benefits to individuals in prison and to those who are fleeing to avoid prosecution, custody, or confinement for a felony. The law also prohibits payments to individuals violating a condition of parole or probation. However, payments of retroactive benefits owed to such individuals are not currently barred by law, and this ensures that retroactive payments are treated the same as monthly benefits.

The need for this law to be done quickly is because of a recent court determination that the Social Security Administration's implementation of this prohibition for those fleeing prosecution or imprisonment was applied too broadly. Without this legislation, the Social Security Administration will be obligated under court order to make payments to some of these individuals as early as next week.

What Mr. JOHNSON and I wanted to do was to bring this bill today and pass it so we can get it to the Senate and give some guidance to the Social Security Administration in this regard.

Mr. Speaker, with that, I reserve the balance of my time.

Mr. SAM JOHNSON of Texas. Mr. Speaker, the point of this bill is simple. Social Security and supplemental security income benefits should not be paid to prisoners, probation, or parole violators or fugitive felons. That is why I joined the Ways and Means Social Security Subcommittee with JOHN TANNER, who is great about looking into these things, and we cosponsored this bill. And I ask all of my colleagues to support it.

This stopgap measure addresses a glitch in the current law discovered when Social Security began to implement a nationwide class-action settlement agreement reached in September in the case of *Martinez v. Astrue*. That agreement reduced the number and type of felony arrest warrants used to prohibit benefit payments, resulting in retroactive payments to certain recipients.

In the first phase of settlement implementation, notices will be issued beginning this week to 28,000 individuals. Of these, Social Security recently identified 150 as prisoners.

Current law already prohibits prisoners, fugitive felons, and probation/parole violators from receiving benefits. The same law should apply to retroactive benefits as well but right now